REMARKS

Claims 5-12 are pending in the present application.

The rejection of Claims 5-8 under 35 U.S.C. §102(b) over Phillips et al in view of Integrated Enzyme Database, is respectfully traversed.

In the outstanding Office Action, the Examiner attempts to remedy the past insufficiency in making this rejection due to the failure to indicate where (page and line or figure) such a teaching or suggestion appears in the prior art to support the allegation that the "strain *Escherichia coli* LA-9 clearly produces L-glutamic acid which is collected from the culture."

In response, the Examiner offers:

> "Regarding the collecting step, in order to present the graphs in figure 1, clearly the glutamate is collected from the culture together with the cells to construct the growth curves, i.e., Curve 1, 2, 4, and 7."

However, when the growth curve is constructed, the absorbance of the culture is monitored. Indeed, Phillips et al specifically disclosed that the growth was monitored at 660 nm (see legend for Figure 1). If a sample (e.g., 1 ml aliquot) of the culture is removed to determine the absorbance at 660 nm, the sample is still in culture and is subjected to the absorbance determination as it is. In other words, the absorbance reading is a determination of the optical density of the culture. This does not constitute or require collection of the L-glutamic acid from the culture. Simply put, the skilled artisan would appreciate that the mere harvesting of cells (e.g., for determination of the optical density) is not the collection of L-glutamic acid from the culture as presently claimed.

In view of the foregoing, this ground of rejection should be withdrawn. An action to this effect is requested.

The rejection of Claims 9-12 under 35 U.S.C. §103(a) over Phillips et al in view of Integrated Enzyme Database and further in view of Kinoshita et al, is respectfully traversed.

In making this rejection, the Examiner alleges:

> "[I]t would have been obvious to one having ordinary skill in the art at the time the claimed invention was made to modify the process of producing glutamic acid in E. coli by collecting the accumulated product by using the conventional techniques of ion exchange and precipitation as taught by the Kinoshita et al. references for the expected benefit of obtaining the important amino acid glutamic acid useful in pharmaceutical and nutritional formulations."

Applicants again submit that Phillips et al are silent about the production of L-glutamic acid. Although the Examiner alleges that glutamate must be produced and accumulated by the cells because of the growth of the cells, it is well known that the amount of L-glutamic acid produced by an E. coli cell is only that which is sufficient to survive (i.e., basal production). Thus, the skilled artisan would not be motivated to collect L-glutamic acid from a culture in which L-glutamic acid is expected to exist at only a basal level. Accordingly, in absence of an explicit teaching as to the production, or more precisely greater than basal production, there is no motivation to apply the conventional techniques of ion exchange and precipitation to the culture of Phillips et al. Integrated Enzyme Database and Kinoshita et al do not compensate for this defect in Phillips et al. Therefore, the present invention is not obvious.

Applicants request withdrawal of this ground of rejection.

Applicants submit that the present application is now in condition for allowance.

Early notification of such action is earnestly solicited.

Respectfully submitted,

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